19 50

File No. Drugs II/50 (N)

Legal Department

B BRANCH

K

Subject:—

Notifications under the Drugs Act 1940

P.S. 1
E

File No. Drugs II/50 (N)

Gen. 194

319-13

Legal Department.

The reasons why it is not necessary to issue a fresh notification under section 16 of the Drugs Act, 1940, have been fully explained in the Additional Secretary's opinion No. 12527, dated the 7th November 1946. The H.& L.G.D. states in its note at page 21 ante that the Government of Bombay has already issued a notification under section 1(3) of the Act appointing the 1st April 1947 as the date for the purposes of Chapter IV and has issued a second notification under section 18 of the Act for the purposes of sub-clauses (i), (ii) (iv) and (v) of clause (a) and clauses (b) and (c) of section 18, appointing the said date for the said purposes. It is true that after the issue of the said two notifications the latest edition of the British Pharmacopoeia was issued in 1948. If it is held that the words 'latest edition' used in the Schedule refers to the edition then in force, i.e. of 1932 then the only method for referring to the 1948 edition is to amend the Schedule by virtue of the power conferred by sub-section (2) of section 16 of the Act and then to issue a fresh notification under section 18, fixing a new date for complying with the standards as modified in the Schedule. A mere issue of the notification under section 18 of the Act would not convey any idea whether the standards referred to are the standards prevailing in 1948. But if the Schedule is to be amended, a three months' notice as required

19/6

K-S-R.
19/6

by sub-section (2) of section 16 will have to be given before the Schedule can be deemed to be validly amended. The above position may be brought to the notice of the Government of India, with reference to their letter No. F.10-12/49-D, dated the 25th November 1949, from the Ministry of Health (page 23 ante). In the meantime the draft notification at page 19 ante may issue as desired by the Government of India so as to fall in with their policy.

Id./ J.B. Dhuraadhar 11/3.

Additional Secretary to Government.

U.O.R. to L.S.G. & P.H.D.No. 3436 dt 11-3-1950.

MM 56 dt .18-6-'50.